

TOWN OF ESSEX

Inland Wetlands and Watercourses Commission
29 West Avenue, Essex, CT 06426
essexct.gov

MINUTES – Public Hearing and Regular Meeting

August 14, 2012

The regularly scheduled meeting of the Essex IWWC was conducted on August 14, 2012 in the Conference Room A, of the Essex Town Hall at 8:00 p.m. Those members in attendance were Chair, Daniel Lapman, Vice Chair, Chuck Corson, Nancy Arnold, Fred Szufnarowski, Steve Knauth, alternate, Jim Leo, alternate, Claire Tiernan, Planning Commission Liaison and Jeff Lovelace, Conservation Commission liaison. Mr. Lovelace recused himself from the first order of business.

Staff: Joe Budrow, Wetlands Enforcement Agent and Zoning Enforcement Agent and Stella Beaudoin, Recording Secretary.

Motion made by Chuck Corson to approve a Permit for **Application #12-5 Ingham Hill Road, Applicant, River Sound Development, LLC** for a 6-lot Open Space subdivision at the end of Ingham Hill Road and as further detailed under “conditions”. Based on the documents presented, on the site inspection and on the testimony given at previous meetings, the Commission finds that the proposed activity is a regulated activity not involving any significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 of the regulations and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. There is no construction within wetlands nor within the 100' review area.
2. Stormwater flow increases have been virtually mitigated by use of Low Impact Development (LID) methods.
3. A landowner has the right to reasonably develop his land.
4. The design of this subdivision has been revised several times to try to address the concerns of the Town, the Town's consultants/agents, concerned citizens and other interested parties. These revisions, in my opinion, represent conditions sufficient to prevent “Major changes to Wetlands functions without loss in functional value”, except at Lot 2.

5. Regarding requests to eliminate Lots 2 and 3, lot 3 is acceptable with conditions. The house location is at the edge of a steep slope, unlikely to be a path for turtles or other species to traverse between Wetlands 1 and the vernal pool, while the “connectivity corridor” is a logical route. A second possible route would be SE up the valley past the steep area and easterly to the vernal pool (#6).
6. Significant time has been spent discussing protection of wildlife. This commission has endeavored to comply with this important goal, but, we cannot by statute deny an Application on such basis. The exception is when specific wildlife species affect the health and function of a wetlands system, such as “Wood Frogs”. The design before us provides significant protection of wildlife, including the few NDDB species of concern that are reported to occur within this property.

B. Suggested Conditions of Approval:

1. Eliminate Lot 2. The concern was noted throughout the Public Hearing that this lot was “too tight” or “unbuildable”, which appears true but is not sufficient for elimination based on the Wetlands Regulations. This lot should be eliminated based on the significant value of the adjacent Wetlands #1 and the expected use of a resident wood frog population to utilize Lot 2 as habitat. Since this species is known to promote the health and function of Wetlands, the elimination of development in this area will meet this criteria. This condition will ensure the protection of a highly valuable Wetland, which is not a vernal pool but works with vernal Pool #6, in Wetland #2. This provides for continuation of the important habitat interaction which exists now.
2. Condition on Lot 3: “connectivity corridor” crosses the paved driveway, which may act as a barrier to some species, including high asphalt temperatures. The condition is that the driveway, within the limits of this corridor, be constructed of “Grasscrete” or paving blocks with grassed joints, or other similar construction, in order to provide more natural crossing.
3. Also on Lot 3, per recommendations of NDDB/DEEP, the construction will be in the spring. If constructed in summer or fall, their eastern box turtle recommendations, dated July 5, 2012 shall be followed.
4. Similar to Lot 3, a condition should require the Trailhead parking lot surface to be constructed of porous blocks to reduce runoff and be more natural. If acceptable to the conservation commission, this parking area could be eliminated.
5. The use of pesticides and herbicides is restricted per Item #6 of the Conservation Commission July 6, 2012 report.
6. The soil media and construction methods for the bioretention systems shall conform to the June 3, and July 9, 2012 recommendations of Trinkhaus Engineering, LLC.

C. Other:

1. The Essex IWWC will send a copy of this decision to the Old Saybrook IWWC and Planning commission, with the following request: Please have current development plans adjacent to this Essex site revised, prior to any approvals, to protect the interaction between Vernal Pool #6 in Essex and Vernal Pool #24 in Old Saybrook, if such development is again considered.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Discussion: Ms. Arnold stated that she agrees with all of the above referenced conditions with the exception of the elimination of Lot 2.

Motion seconded by Claire Tiernan and passed unanimously.

Jeff Lovelace was seated at 8:45 p.m.

Motion made by Chuck Corson to approve the Minutes of the July 10, 2012 meeting as amended.

Motion seconded by Steve Knauth and passed unanimously.

Motion made by Chuck Corson to approve the Agent Permit Application 12A-5 granted to Michael Picard at 141 Saybrook Road, Essex for a grade level patio with fire pit.

Motion seconded by Nancy Arnold and passed unanimously.

Motion made by Chuck Corson to approve the Agent Permit Application 12A-6 granted to "Martin" at 19 Racket Lane, Essex.

Motion seconded by Nancy Arnold and passed unanimously.

Motion made by Chuck Corson to approve the Agent Permit Application 12A-7 issued to Benjamin Costa for property located at 89 Main Street, Centerbrook for septic repair.

Motion seconded by Claire Tiernan and passed unanimously.

Motion made by Chuck Corson to approve the Agent Permit Application 12A-8 issued to Nancy Arnold and Frank Telo, Main Street, Essex to raise the grade of the driveway.

Motion seconded by Dan Lapman and passed unanimously with Nancy Arnold abstaining.

Motion made by Nancy Arnold to authorize Joe Budrow, ZEO/WEO to take pictures of the property next to Centerbrook post office reflecting the cable fencing and signage and that Mr. Budrow will direct the owner of the property that maintenance is to take place so that the signage and the fence is visible.

Motion seconded by Chuck Corson and passed unanimously.

Motion made by Dan Lapman to adjourn at 8:55 p.m.

Motion seconded by Chuck Corson and passed unanimously.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary